



Docket No. 12810-00067-US
(PATENT)

12810 2877

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:
Karl-Heinz Kogel et al.

Application No.: 10/522,106

Confirmation No.: 9243

Filed: January 24, 2005

Art Unit: 2877

For: METHOD FOR OBTAINING THE
PATHOGENIC RESISTANCE IN PLANTS

Examiner: Not Yet Assigned

**REQUESTS FOR CORRECTED FILING RECEIPT, CORRECTED NOTICE OF
ACCEPTANCE OF APPLICATION AND CHANGE OF
CORRESPONDENCE ADDRESS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby request that A) the correct correspondence address and attorneys of record be entered and any future correspondence be sent to this address; B) a corrected Filing Receipt be issued; and C) a corrected Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495 be issued in the above-identified patent application.

A) Request Change Correspondence Address And Attorneys Of Record

The correspondence address has not yet been changed to the correct correspondence address and attorneys of record as evidenced by the fact that the official Filing Receipt and the Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495 were sent to the wrong attorneys of record.

A newly executed Combined Declaration and Power of Attorney with **change of correspondence address** was filed in the response filed and received July 19, 2007 by the U.S. Patent and Trademark Office (USPTO) (as evidenced by the stamped return postcard attached hereto as Exhibit 1), requesting that the correspondence address be changed accordingly. The USPTO sent the Filing Receipt and the Notice of Acceptance of Application Under 35 U.S. 371 and 37 CFR 1.495 mailed November 15, 2007 to "Morrison & Foerster," the wrong attorneys of record, even when the Notice of Acceptance indicated entry of the Combined Declaration and

Power of Attorney. Furthermore, the undersigned contacted the PCT Help Desk who indicated that the newly executed Combined Declaration and Power of Attorney was accepted and entered. The Applicants respectfully request that the **correct correspondence address and attorneys** of record be entered and any future correspondence be sent to this address.

B) Request For Corrected Filing Receipt

The official Filing Receipt, a copy of which is attached hereto, has four errors. They are as follows:

- 1) The correspondence address should read
“Connolly Bove Lodge & Hutz LLP,
1007 North Orange Street
P.O. Box 2207
Wilmington, DE 19899” in lieu of “Morrison & Foerster, 1650 Tysons
Boulevard, Suite 300 McLean, VA 22102”;
- 2) The Attorney Docket No. should read “12810-00067-US” in lieu of
“532622010500”;
- 3) The Power of Attorney should read, “The patent practitioners associated with
Customer Number 23416” in lieu of “25227”; and
- 4) The Filing or 371(c) Date should read “7/19/2007” in lieu of “7/26/2007.”

As explained above in A), the correct address of record and correct Power of Attorney should be entered based on the filing of the newly executed Combined Declaration and Power of Attorney with change of correspondence address received by the USPTO on July 19, 2007 (see Exhibit 1).

Furthermore, the Filing or 371(c) Date is the date when the requirements of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) have been met as explained on the Notice of Acceptance of Application. As evidenced by copies of the attached stamped return postcards (see Exhibit 2) and Transmittal Letter (see Exhibit 3), the requirements of 35 U.S.C. 371(c)(1) and (c)(2) were met when the initial national stage application, which included authorization to charge the national fee (see page 2 of the Transmittal Letter) and a copy of the international application and

the English translation of the specification, claims, abstract and drawings, was filed and received by the USPTO on January 24, 2005 (see Exhibit 2).

Although the original Combined Declaration and Power of Attorney was submitted with the initial application on January 24, 2005, the requirements of 35 U.S.C. 371(c)(4) were further met when the newly executed Combined Declaration and Power of Attorney was received by the USPTO on July 19, 2007 (see Exhibit 1). Accordingly, because all the requirements of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) were met when the newly executed Combined Declaration and Power of Attorney was received by the USPTO on July 19, 2007 (see Exhibit 1), the Filing or 371(c) Date should read July 19, 2007.

C) Request For Corrected Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495

The Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495, a copy of which is attached hereto, has the incorrect correspondence address and incorrect dates associated with the Date of Receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4), the Date of Completion of All 35 U.S.C. 371 Requirements, the filing of the Information Disclosure Statement, the Biochemical Sequence Diskette, the Oath or Declaration, the Specification, Claims, Abstract and Drawings.

The errors should be corrected as follows:

- 1) The correspondence address should read
“Connolly Bove Lodge & Hutz LLP,
1007 North Orange Street
P.O. Box 2207
Wilmington, DE 19899” in lieu of “Morrison & Foerster, 1650 Tysons Boulevard,
Suite 300 McLean, VA 22102”, as explained in parts A) and B) above;
- 2) The Attorney Docket No. should read “12810-00067-US” in lieu of “532622010500”;
- 3) The Date of Receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) should read “7/19/2007” in lieu of “7/26/2007”, as evidenced by the attached stamped return postcard indicating the date the newly executed Combined Declaration and Power of Attorney was received by the USPTO (see Exhibit 1);

- 4) The Date of Completion of All 35 U.S.C. 371 Requirements should read “7/19/2007” in lieu of “7/26/2007”, as evidenced by the attached stamped return postcard indicating the date the newly executed Combined Declaration and Power of Attorney was received by the USPTO (see Exhibit 1) and as explained in B) above;
- 5) The filing date of the Information Disclosure Statement should read “6/17/2005” in lieu of “2/25/2005”, as evidenced by the stamped return postcard (see Exhibit 4);
- 6) The filing date of the Biochemical Sequence Diskette should read “11/20/2006” in lieu of “11/12/2007”, as evidenced by the stamped return postcard (see Exhibit 5) and the Decision from PCT Legal dated April 2, 2007, which indicated on page 3 that the 20 November 2006 submission satisfied the requirements of 37 CFR 1.137(b) regarding the Notification to Comply with Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures (see Exhibit 6);
- 7) The filing date of the Specification should read “01/24/2005” in lieu of “07/26/2007”, as evidenced by the stamped return postcard and the copy of the initial Transmittal Letter (see Exhibits 2 and 3);
- 8) The filing date of the Claims should read “01/24/2005” in lieu of “07/26/2007”, as evidenced by the stamped return postcard and the copy of the initial Transmittal Letter (see Exhibits 2 and 3);
- 9) The filing date of the Abstract should read “01/24/2005” in lieu of “07/26/2007”, as evidenced by the stamped return postcard and the copy of the initial Transmittal Letter (see Exhibits 2 and 3); and
- 10) The filing date of the Drawings should read “01/24/2005” in lieu of “07/26/2007”, as evidenced by the stamped return postcard and the copy of the initial Transmittal Letter (see Exhibits 2 and 3).

Additionally, please advise the undersigned of when we might expect to receive a Notice Of Acceptance Of Power Of Attorney in response to the newly executed Power of Attorney with change of correspondence address which was mailed and received July 19, 2007, and when we might have access to this application in Private PAIR.

Applicants additionally request that all pertinent U.S. Patent and Trademark Office records relating to the subject application be changed to reflect these corrections. The Patent Office is invited to contact the undersigned if any questions or issues remain.

Applicants believe no fee is due with this request. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 12810-00067-US from which the undersigned is authorized to draw.

Respectfully submitted,

By 

Roberte M. D. Makowski, Ph.D., J.D.

Registration No.: 55,421

CONNOLLY BOVE LODGE & HUTZ LLP

1007 North Orange Street

P.O. Box 2207

Wilmington, Delaware 19899

(302) 658-9141

(302) 658-5614 (Fax)

Attorney for Applicants

580067_1



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/92 (01-08)
Approved for use through 02/29/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Application No. (if known): 10/522,106

Attorney Docket No.: 12810-00067-US

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on February 21, 2008
Date

Dorothy L. Sciarra
Signature

Dorothy L. Sciarra

Typed or printed name of person signing Certificate

Registration Number, if applicable

(302) 658-9141
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Requests for Corrected Filing Receipt, Corrected Notice of Acceptance of Application and Change of Correspondence Address (10 pages with Exhibit Tabs 1-6)
Certificate of Mailing (1 page)
Postcard



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	TOT CLAIMS	IND CLAIMS
10/522,106	07/26/2007 7/19/2007	2877	2740	532622010500	23	3

CONFIRMATION NO. 9243

FILING RECEIPT



OC000000028706388

Date Mailed: 11/15/2007

Morrison & Foerster

1650 Tysons Boulevard, Suite 300

McLean, VA 22102

Should Read:

Connolly Bove Lodge & Hutz LLP

1007 North Orange Street

P.O. Box 2207

Wilmington DE 19899

should read
12810-00067-US

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Applicant(s)

Karl-Heinz Kogel, Lollar, GERMANY;
Ralph Huckelhoven, Freibing, GERMANY;
Marco Trujillo, Giessen, GERMANY;

Assignment For Published Patent Application

BASF Plant Science GmbH, Ludwigshafen, GERMANY

Power of Attorney: The patent practitioners associated with Customer Number 25227

should read 23416

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP03/07589 07/14/2003

Foreign Applications

GERMANY 10233327.0 07/22/2002

If Required, Foreign Filing License Granted: 11/12/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/522,106**

Projected Publication Date: 02/21/2008

Non-Publication Request: No

Early Publication Request: No

Title

Method for Obtaining the Pathogenic Resistance in Plants

Preliminary Class

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PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).